

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SHARON G. SHIRLEY,

Plaintiff,

vs.

Civ. No. 00-1448 LH/WWD

VILLAGE OF ANGEL FIRE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon an Unopposed Motion to Amend Scheduling Order [docket no. 24] filed December 19, 2001. This action was commenced by the filing of a complaint on October 18, 2000. An Initial Scheduling Order was entered February 8, 2001, calling for a Rule 16 scheduling conference on April 6, 2001, and the filing of a Provisional Discovery Plan and Initial Pretrial Report by March 26, 2001. The Provisional Discovery Plan was filed by the parties on April 2, 2001. Under the terms of the Provisional Discovery Plan, which was signed by the Plaintiff and counsel for Defendants, discovery was to be completed by September 26, 2001. The same date was set out for termination of discovery in the Initial Pretrial Report filed April 11, 2001. No timely extension of the time for discovery was sought. On November 7, 2001, an entry of appearance was filed by Toulouse and Associates, P.A., (Holly R. Harvey) on behalf of the Plaintiff. On December 19, 2001, the instant “Unopposed Motion to Amend Scheduling Order” was filed by Toulouse and Associates, P.A. The only explanation for

the somewhat convoluted attempt to reopen discovery is that Plaintiff “was pro se when the scheduling order was filed and did not fully avail herself of the discovery process.”

I find that the instant motion which seeks an “Order Granting Plaintiff Leave to File Amended Scheduling Order” is untimely, and that it is not well taken as it is set out.

WHEREFORE,

IT IS ORDERED that Plaintiff’s Unopposed Motion to Amend Scheduling Order be, and it is hereby, DENIED.


UNITED STATES MAGISTRATE JUDGE